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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,562	04/26/2000	Masahiro Ohishi	463P065	1512

7590 08/26/2003

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EXAMINER

THOMAS, COURTNEY D

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/558,562

Applicant(s)

OHISHI ET AL.

Examiner

Courtney Thomas

Art Unit

2882

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 08 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

a)  The period for reply expires 5 months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_
3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1,2,4,6 and 7.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8.  The proposed drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.
9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10.  Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: As noted in the Office Action mailed 03.31.03. (Paper No. 14), the art of record, Key et al. (5241360) disclose a distance measuring system (abstract), for measuring distance by receiving a reflection light beam from an object to be measured, comprising a control arithmetic unit (i.e. control unit; see column 3, lines 25-27; 30), a light emitting unit (22) for emitting a measuring light beam and a photo-detection unit (56; column 6, lines 48-51) for receiving said reflection light beam (42) from an object (38) to be measured, and for issuing a signal based on a photo-detection amount of said reflection light beam, a light amount adjuster (58; column 7, lines 27-51) for adjusting the photo-detection amount of a reflection light beam received by the photo-detection unit and obtaining an amount of reflection light based on the result of the adjustment. Examiner notes that modifications to the apparatus of Key et al. as suggested by references US Patents 5909311, 5225810, and 4922281 result in an apparatus possessing similar functionality to the claimed invention. In particular, the modifications to Key et al. incorporate means for distinguishing between desired objects, means for storing data and means for switching modes of operation. The combination of means assists the apparatus in its ability to accurately distinguish between objects of interest.



DAVID V BRUCE  
PRIMARY EXAMINER